

UNITED STATES DISTRICT COURT-DISTRICT OF NEW HAMPSHIRE - CASE #: 1:22-cv-00264-SE

NATALIE ANDERSON, et. al., Plaintiffs V. PATRICK DONOVAN et. al., Defendants

NOTICE OF ERRATA
FOR
MOTION FOR RECONSIDERATION OF THE COURT'S 8-3-23 DISMISSAL WITH PREJUDICE
FOR FAILURE TO PROSECUTE AND INCORPORATED MEMORANDUM WITH AFFIDAVIT

1. The plaintiffs provide this notice of errata for grammatical and other scrivener errors in their **motion for reconsideration of the court's 8-3-23 dismissal with prejudice for failure to prosecute and incorporated memorandum and affidavit** ("motion to reconsider dismissal"), as follows. Corrections are in **bold**.

2. Paragraph 5 of the motion to reconsider dismissal states:
 5. After recusal of another judge, on 7/2/22, the case was reassigned to Judge Samantha D. Elliott.
3. The correction is as follows:
 5. After recusal of another judge, on **7/20/22**, the case was reassigned to Judge Samantha D. Elliott.

4. Paragraph 10 of the motion to reconsider dismissal states:
 10. On 12/9/22, the plaintiffs filed a status report. See Exhibit 1.
5. Correction: **The plaintiffs attached the wrong document as Exhibit 1 in terms of the correct sequence. The plaintiffs inadvertently attached the document that was intended to be Exhibit 2 (the first motion to extend time) as Exhibit 1. The plaintiffs here incorporate by reference the correct document (the status report as the docket #7) for Exhibit 1, but still intend to keep the prior document as Exhibit 1 (the first motion to extend time), so that together they now form Exhibit 1. This is to avoid having to renumber all other subsequent exhibits. The plaintiffs trust that this makes sense and that the court will adjust accordingly as may be necessary.**

6. Paragraph 16 of the motion to reconsider dismissal states:
 16. On 3/31/23, the plaintiffs filed a second Motion to Extend Time to File Amended Complaint, (due to certain complications regarding plaintiff's post-surgery medical situation).
7. The correction is as follows:
 16. On 3/31/23, the plaintiffs filed a second Motion to Extend Time to File Amended Complaint, (due to certain complications regarding **plaintiff Bisasor's** post-surgery medical situation).

8. Paragraph 18 of the motion to reconsider dismissal states:
 18. On 5/12/23, the plaintiffs filed a Third Motion to Extend Time to File Amended Complaint (seeking extension until 7/31/23 as a result of information needed pursuant to or from a June 2, 2023 public hearing of the rules committee). See Exhibit 3..
9. The correction is as follows:
 18. On 5/12/23, the plaintiffs filed a Third Motion to Extend Time to File Amended Complaint (seeking extension until **6/30/23** as a result of information needed pursuant to or from a June 2, 2023 public hearing of the rules committee). See Exhibit 3.

10. Paragraph 23 of the motion to reconsider dismissal states:
 23. Additionally, the delay in filing an amended complaint was largely due to the fact that the defendants sought an extension of time to respond to the plaintiffs' request for information needed from the public rules committee hearing that took place on June 3, 2023. See Exhibit 4. The extension sought was 30 days from June 26, 2023.

However, the defendants did not provide a response until August 7, 2023. See Exhibit 5. This was after the July 31, 2023 timeline for plaintiffs to file amended complaint. It was also after this court dismissed the case.

11. The correction is as follows:

23. Additionally, the delay in filing an amended complaint was largely due to the fact that the defendants sought an extension of time to respond to the plaintiffs' request for information needed from the public rules committee hearing that took place on June 2, 2023. See Exhibit 4. The extension sought **by the defendants** was 30 days from June 26, 2023. However, the defendants **took instead 42 days extension as they** did not provide a response **to the information requested**, until August 7, 2023. See Exhibit 5. This was after the **June 30, 2023** timeline for plaintiffs to file amended complaint. It was also after this court dismissed the case **on August 3, 2023**.

12. Paragraph 34 of the motion to reconsider dismissal states:

34. Also, there has been no serious delay. On 5/12/23, the plaintiffs' Motion to Extend Time to File Amended Complaint, seeking extension until 7/31/23. On 6/9/23, the court granted plaintiffs' Motion to Extend Time Amended Complaint, stating: "Based on the representations of the plaintiff that there shall be no further requests for an extension of time the motion is granted. So Ordered by Magistrate Judge Andrea K. Johnstone.". Therefore, the extension of time expired on 7/31/23. On 8/3/23, the court ordered a dismissal of the case which was entered on the docket. Hence, only about one month of delay occurred before dismissal occurred.

13. The correction is as follows:

34. Also, there has been no serious delay. On 5/12/23, the plaintiffs' Motion to Extend Time to File Amended Complaint, seeking extension until **6/30/23**. On 6/9/23, the court granted plaintiffs' Motion to Extend Time Amended Complaint, stating: "Based on the representations of the plaintiff that there shall be no further requests for an extension of time the motion is granted. So Ordered by Magistrate Judge Andrea K. Johnstone.". Therefore, the extension of time expired on **6/30/23**. On 8/3/23, the court ordered a dismissal of the case which was entered on the docket. Hence, only about one month of delay occurred before dismissal occurred.

14. Paragraph 49 of the motion to reconsider dismissal states:

49. The plaintiffs have every intention of pursuing this case and have good reasons for having to need more time to file an amended complaint (including but not limited to the fact the defendants have acted to impede plaintiffs' ability to file an amended complaint and also have even requested a wait over 30 days to receive information from them needed for the amended complaint and which they knew we were intending to file amended complaint, among other things, etc.).

15. The correction is as follows:

49. The plaintiffs have every intention of pursuing this case and have good reasons for having **needed** more time to file an amended complaint (including but not limited to the fact the defendants acted to impede plaintiffs' ability to file an amended complaint and also even requested a **wait of 30 days to provide** information needed for the amended complaint and which they knew we were intending to **use for filing an** amended complaint, among other things, etc.).

16. Wherefore, I ask the court to take note of the above errata/corrections.

Respectfully submitted,
s/ Natalie Anderson

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